



MAYOR AND COUNCIL AGENDA

NO. 4

DEPT.: Community Planning and Development Services
STAFF CONTACT: Linda MacDermid, Chief of ISD

DATE PREPARED: 4/5/05
FOR MEETING OF: 4/11/05

SUBJECT: Mayor and Council consideration of 1) regulation of accessory structure size, 2) construction materials in residential zones, and 3) strengthening of the barrier requirements for private swimming pools.

RECOMMENDATION: Staff recommends that the Mayor and Council direct staff to:

- 1) Prepare a Zoning Ordinance text amendment to address the size and height of accessory structures in residential zones,
- 2) Prepare amendments to the applicable building codes to limit use of fabric and similar materials for a limited duration only on temporary structures such as tents and canopies, and
- 3) Prepare amendments to the building codes to require a separate fence structure as a barrier protection for pools without exception.

DISCUSSION: In the course of investigating chronic complaints from neighbors about the installation of a large permanent structure covering a backyard swimming pool, staff has concluded that preventing the recurrence of this situation elsewhere in the City would best be addressed through regulatory changes as follows:

- 1) Further limit the size of residential accessory structures:

Limiting the size of an accessory structure in a residential zone requires a Text Amendment to the Zoning Ordinance. It will take approximately six months from preparation to adoption of a text amendment, including two to three weeks to draft the language and review the Zoning Ordinance for other necessary related changes. After the Mayor and Council instruct staff to file the proposed amendment, a public hearing before the Planning Commission, a public hearing before the Mayor and Council, and several weeks for introduction and adoption are needed.

In order to devote the necessary time to this text amendment, the pace of work on other projects will be temporarily slowed, including work on the Zoning Ordinance revisions, and pending development projects. It is anticipated that 40-50 staff hours, plus review by the Legal staff will be necessary for text amendment preparation.

- 2) Limit the use of fabric and similar materials to temporary structures:

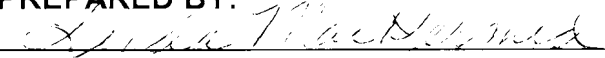
Construction materials are typically controlled by the City's building codes, and a limitation on fabric and similar materials in the construction of accessory structures would require an amendment of both the International Residential Code and the International Building Code. Staff anticipates bringing updated construction codes to the Mayor and Council for adoption within the next few months, and a limitation on the use of fabric for temporary structures only (such as limited duration tents and canopies) could be included in the amendments being prepared now. There would be no significant impact on staff workload to include this as an amendment to the construction codes.

3) Strengthen the barrier requirements for private swimming pools:

Barriers for swimming pools are also included in the City's building codes. Tightening of those regulations to require a separate, fence type barrier around all in ground and above ground swimming pools can be accomplished with an amendment to those codes. No significant impact on staff work load would occur to include this amendment.

It should be noted that text amendment changes to the Zoning Ordinance, and new construction code requirements typically affect only construction that is approved after the effective date of the new regulation. Thus, it is possible that permits could be approved during the Text Amendment and construction code amendment process, which would not comply with the new restrictions.

PREPARED BY:


Linda MacDermid

APPROVED BY:


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4/5/05
DATE:

APPROVED BY:


Scott Ullery, City Manager

4/5/05
DATE:

LIST OF ATTACHMENTS:

N/A
